

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JAMES R. MCCLELLAN JR.,

Plaintiff,

v.

KOLOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

Case No. 1:22-cv-11713

Honorable Thomas L. Ludington
United States District Judge

Honorable Patricia T. Morris
United States Magistrate Judge

**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, GRANTING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT, AND REMANDING CASE TO A NEW
ADMINISTRATIVE LAW JUDGE**

Plaintiff James R. McClellan Jr. brings this case under 42 U.S.C. § 405(g) and § 1383(c)(3) for a review of the Acting Commissioner of Social Security's denial of his application for Title II benefits for Social Security Disability. ECF No. 16 at PageID.3007.

On February 13, 2023, Magistrate Judge Patricia T. Morris issued a Report and Recommendation (R&R) recommending that the undersigned deny Defendant's Motion for Summary Judgment, grant Plaintiff's Motion for Summary Judgment, and remand the case under sentence four of § 405(g). ECF No. 20 at PageID.3103. The R&R provided 14 days to object, but neither party filed any objections. They have therefore forfeited their right to appeal Judge Morris's findings. *See Berkshire v. Dahl*, 928 F.3d 520, 530–31 (6th Cir. 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)).

Accordingly, it is **ORDERED** that Judge Morris's Report and Recommendation, ECF No. 20, is **ADOPTED**.

Further, it is **ORDERED** that Defendant's Motion for Summary Judgment, ECF No. 17,

is **DENIED**.

Further, it is **ORDERED** that Plaintiff's Motion for Summary Judgment, ECF No. 16, is **GRANTED**.

Further, it is **ORDERED** that this case is **REMANDED** under sentence four of 42 U.S.C. § 405(g) for new proceedings before a new Administrative Law Judge.

This is a final order and closes the above-captioned case.

Dated: March 10, 2023

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge